

103D CONGRESS
1ST SESSION

H. R. 1250

To amend the coastwise trade laws to clarify their application to certain passenger vessels.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 1993

Mr. TAYLOR of Mississippi (for himself, Mr. STUDDS, Mr. LIPINSKI, Mr. FIELDS of Texas, Mr. BATEMAN, and Mr. TAUZIN) introduced the following bill; which was referred to the Committee on Merchant Marine and Fisheries

A BILL

To amend the coastwise trade laws to clarify their application to certain passenger vessels.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States-Flag
5 Passenger Vessel Act of 1993”.

6 **SEC. 2. COASTWISE TRANSPORTATION OF PASSENGERS.**

7 (a) IN GENERAL.—Section 8 of the Act of June 19,
8 1886 (46 App. U.S.C. 289), is amended to read as follows:

1 **“SEC. 8. COASTWISE TRANSPORTATION OF PASSENGERS.**

2 “(a) IN GENERAL.—Except as otherwise provided by
3 law, a vessel may transport passengers in coastwise trade
4 only if—

5 “(1) the vessel meets the requirements of sec-
6 tion 27 of the Merchant Marine Act, 1920 and sec-
7 tion 2 of the Shipping Act, 1916 for engaging in the
8 coastwise trade; and

9 “(2) for a vessel that is at least 5 net tons, the
10 vessel is documented under chapter 121 of title 46,
11 United States Code, with a coastwise endorsement.

12 “(b) PENALTIES.—

13 “(1) CIVIL PENALTY.—A person operating a
14 vessel in violation of this section is liable to the
15 United States Government for a civil penalty of
16 \$1,000 for each passenger transported in violation of
17 this section.

18 “(2) FORFEITURE.—A vessel operated in know-
19 ing violation of this section, and its equipment, are
20 liable to seizure by and forfeiture to the United
21 States Government.

22 “(c) DEFINITIONS.—For purposes of this section the
23 following definitions apply:

24 “(1) COASTWISE TRADE.—The term ‘coastwise
25 trade’ includes—

1 “(A) transportation of a passenger from a
2 place in any State or possession of the United
3 States and returning to that place, if during
4 that transportation no passenger departs from
5 the vessel in a foreign country; and

6 “(B) transportation of a passenger be-
7 tween points in the United States, either di-
8 rectly or by way of a foreign port.

9 “(2) PASSENGER.—The term ‘passenger’ has
10 the meaning that term has in section 2101 of title
11 46, United States Code, except that the term does
12 not include a guest on a passenger vessel (as that
13 term is defined in that section) who has not contrib-
14 uted consideration for carriage on board.”.

15 (b) EXCEPTION.—

16 (1) IN GENERAL.—Notwithstanding the amend-
17 ment made by subsection (a), an ineligible vessel
18 may engage in coastwise trade (as defined in that
19 amendment) on a trade route, if—

20 (A) the vessel engaged, in the period begin-
21 ning January 1, 1990, and ending January 1,
22 1992, in coastwise trade on that trade route;
23 and

24 (B) within one year after the date of the
25 enactment of this Act, the owner files with the

1 Secretary of Transportation an affidavit certify-
2 ing compliance with subparagraph (A) and list-
3 ing each trade route on which the vessel en-
4 gaged in coastwise trade in the period described
5 in subparagraph (A).

6 (2) EXPIRATION OF EXCEPTION.—This sub-
7 section does not apply to a vessel after the earlier
8 of—

9 (A) any date on which the vessel is sold
10 after the date of the enactment of this Act;

11 (B) January 1, 1994, unless—

12 (i) each individual employed on the
13 vessel after that date is either a citizen of
14 the United States or an alien lawfully ad-
15 mitted to the United States for permanent
16 residence; and

17 (ii) not more than 25 percent of the
18 total number of individuals employed on
19 the vessel after that date are aliens law-
20 fully admitted to the United States for
21 permanent residence; or

22 (C) January 1, 1998.

23 (3) INELIGIBLE VESSEL DEFINED.—In this
24 subsection, the term “ineligible vessel” means a ves-
25 sel that is not eligible under chapter 121 of title 46,

- 1 United States Code, for a certificate of documenta-
- 2 tion authorizing the vessel to engage in the coastwise
- 3 trade.

